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conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

17 Cr. 417 (AKH)

5 ALI KOURANI,

6 Defendant.

7 -----x

8 May 18, 2018

9 11:17 a.m.

10 Before:

11 HON. ALVIN K. HELLERSTEIN,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
17 Southern District of New York

BY: EMIL J. BOVE, III

18 AMANDA L. HOULE

Assistant United States Attorneys

19 ALEXEI SCHACHT

Attorney for Defendant

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(Case called)

THE COURT: I understand that the parties have worked out a schedule for filing opposing motions. Basically the government believes it has information that qualifies under CISA. What does the acronym stand for?

MS. HOULE: Classified Information Protection Act, your Honor.

THE COURT: And the procedure that is involved with that is a motion filed *ex parte* and *in camera*. The Court holds a proceeding and makes a decision with as much on the public record as can be put on the public record and the decision may be to cause a document to be summarized or to be produced or not to be produced at all depending on the opportunities and impressions of the government.

Do I have that right?

MS. HOULE: Yes, your Honor.

THE COURT: The motion under Sections 4 and 5 of CIPA will be filed September 17, 2018; opposition to Section 5 by November 5, 2018. There is a possibility that the defense will also have material qualified under CIPA. Does it plan to make a motion in that regard?

MR. SCHACHT: Your Honor, I told the government I am going to try and make an appointment and see the evidence that have I'm permitted to see next week and at that time I will decide whether or not I'm going to be filing motions and I will

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1 advise.

2 THE COURT: Right, to conform to the schedule.

3 MR. SCHACHT: Absolutely. But I was going to add that
4 should I not file motions I will alert everyone in writing.

5 THE COURT: Thank you.

6 So, opposition to Section 5 on November 5, 2018, and
7 defendant consents to *ex parte* hearings in chambers and the
8 documents will be filed under seal and I will endeavor to make
9 as much of a public record as is possible.

10 Okay? Is that all right?

11 MS. HOULE: Yes, your Honor. One moment, please?

12 (Counsel conferring)

13 MS. HOULE: Your Honor, the government would request a
14 control date to come back at some time in December and we would
15 seek to exclude through that date.

16 THE COURT: December?

17 MS. HOULE: Yes, your Honor.

18 THE COURT: Friday, December 7, at 11:00.

19 MR. SCHACHT: That's fine with me. Thank you.

20 MS. HOULE: Thank you, your Honor.

21 The government moves to exclude time through December
22 7th to permit defense to contemplate any motion under
23 Section 5, for the Court to review any Section 5 motion filed
24 by the government, and for the parties to engage in any
25 discussion regarding pretrial resolution of this matter.

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1 THE COURT: Without objection. So ordered.

2 MR. SCHACHT: No objection. Thank you.

3 THE COURT: I didn't introduce anyone here on the
4 record.

5 Amanda Houle and Emil Bove for the government, and
6 Alexi Schacht for the defendant Mr. Kourani.

7 Thank you gentlemen and lady.

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